

WHEREAS, Session Law 2004-124, House Bill 1414, also known as the budget bill, did not provide funding to address the court mandate; and

WHEREAS, the state has unexpended appropriations from the 2003-04 fiscal year remaining that were not allocated for public instruction use by the General Assembly in the budget bill; and

WHEREAS, the Public School Fund appropriations for the 2003-04 fiscal year had not been used completely and were not needed to balance the 2004-05 fiscal year budget; and,

WHEREAS, the court order constitutes a continuing obligation of the state.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and laws of the State of North Carolina, IT IS ORDERED:

1. Any unexpended 2003-04 appropriations in the Department of Public Instruction in excess of the amounts used by the legislature in the formation of the final 2004-05 budget as signed into law by the Governor shall be carried forward and used for purposes related to school districts in the manner proposed by the State Board of Education and the State Superintendent of Public Instruction in response to the court order. These funds, together with other funds already otherwise expended or committed, shall not exceed the total amount appropriated to the Public School Fund for the 2003-04 school year.
2. The funds authorized under this Executive Order are deemed to be continuing obligations of the State necessary to comply with the court order.

This Executive Order shall be effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of North Carolina at the Capitol in Raleigh, this the 28th day of July, 2004.

Michael F. Easley
Governor